

### **REMARKS**

Applicant respectfully requests reconsideration of this application in view of the foregoing amendment and following remarks.

#### **Information Disclosure Statement**

Applicant concurrently files an Information Disclosure Statement herewith and requests that the Examiner indicate his consideration of the cited references by initialing and returning the PTO-1449 provided.

#### **Status of the Claims**

Claims 1-11 are pending in this application. Claims 1 and 9 are independent. Claims 1-4, 6 and 8-10 were rejected. Claim 11 is allowed. Claims 5 and 7 are objected to as being dependent upon a rejected base claim but would be allowable if rewritten in independent form. Claims 1, 4 and 11 are herein amended. Claims 3, 5, 9 and 10 are cancelled without prejudice or disclaimer rendering the rejections as to these claims moot. New claim 12 is added. No new matter has been added by these amendments.

#### **Double Patenting**

In paragraph three (3) of the Office Action, claim 3 has been objected to under 37 C.F.R. §1.75 as being substantial duplicate of claim 1.

Claim 3 has been canceled by this Amendment rendering this objection moot. Applicant respectfully requests that the objection be withdrawn.

#### **Rejection under 35 U.S.C. §103**

In paragraph five (5) of the Office Action, claims 1, 3, 4 and 9 have been rejected under

35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,025,962 to Suzuki ("Suzuki1") in view of U.S. patent No. 5,946,145 to Ohtake ("Ohtake") and U.S. Patent No. 5,751,485 to Suzuki ("Suzuki2").

As indicated above, claims 3 and 9 have been cancelled rendering the rejections as to these claims moot.

Independent claim 1 has been amended to add the limitation of allowed claim 5, i.e., "wherein a condition  $0.01 < f_{is}/f_4 < 0.8$  is satisfied where  $f_{is}$  is a focal length of said lens component of negative refractive power so as to have the component of the direction perpendicular to the optical axis, and  $f_4$  is a focal length of the fourth lens unit."

Accordingly, Applicant believes that claim 1 is also allowable over the art of record. Claim 4 as amended depends from claim 1 and incorporates each and every element of claim 1. Accordingly, claim 4 is also believed to be allowable over the art of record.

Reconsideration and withdrawal of the rejections of claims 1 and 4 under 35 U.S.C. §103(a) is respectfully requested.

Claim 12 has been added to recite the claimed invention in an alternative manner. Specifically, claim 12 recites similar features to claim 1, as amended, i.e., wherein a condition  $0.8 < \beta_{rt} < -0.1$  is satisfied where  $\beta_{rt}$  is a lateral magnification an a telephoto end of optical part disposed closer to an image plane than said lens component of negative refractive power that is moved so as to have the component of the direction perpendicular to the optical axis of said zoom lens. Claim 12 is accordingly believed to be allowable for at least similar reasons as for claim 1.

PATENT

Application Serial No. 09/966,698  
Amendment dated January 8, 2004  
Reply to Office Action of October 8, 2003  
Docket No. 1232-4767

Applicant believes that the application including added claim 12 is in condition for allowance and such action is respectfully requested.


**AUTHORIZATION**

No petitions or additional fees are believed due for this amendment and/or any accompanying submissions. However, to the extent that any additional fees and/or petition is required, including a petition for extension of time, Applicant hereby petitions the Commissioner to grant such petition, and hereby authorizes the Commissioner to charge any additional fees, including any fees which may be required for such petition, or credit any overpayment to Deposit Account No. 13-4500 (Order No. 1232-4767). **A DUPLICATE COPY OF THIS SHEET IS ENCLOSED.**

An early and favorable examination on the merits is respectfully requested.

Respectfully submitted,  
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